

UNITED STATES DISTRICT COURT

for

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Eastern District of Washington

Jun 02, 2023

SEAN F. MCAVOY, CLERK

U.S.A. vs.

Preston, Mark A.

Docket No.

0980 2:22CR00133-TOR-16

Petition for Action on Conditions of Pretrial Release

COMES NOW Chris Heinen, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Mark A Preston, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom, sitting in the Court at Spokane, Washington, on the 28th day of September 2022, under the following conditions:

Standard Condition #8: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 30, 2022, the conditions of pretrial release supervision were reviewed with Mr. Mark A. Preston. He acknowledged an understanding of his conditions, which included standard condition number 8.

Violation #1: Mr. Preston is alleged to have violated standard condition number 8 by ingesting methamphetamine, previously occurring on or about June 1, 2023, based on both urinalysis testing and the client's admission of such use.

On May 31, 2023, Mr. Preston reported to the U.S. Probation Office without appointment with the intent of speaking with the undersigned officer. Mr. Preston was advised that he could wait for this officer to become available, but instead indicated he would return later in the day. The undersigned officer subsequently learned that the client had failed to report for random urinalysis testing with the contract provider when his assigned color was called on May 30, 2023.

The undersigned officer later contacted Mr. Preston telephonically, who indicated he had previously reported to the U.S. Probation Office in an attempt to both submit to urinalysis testing, given his previously missed obligation, and to be honest with regard to his recent relapse. Specifically, Mr. Preston admitted to having ingested both alcohol and methamphetamine occurring on or about May 27, 2023, although it should be noted that Mr. Preston later clarified that after further consideration, he believed as though he used the substances on May 28, 2023.

On June 1, 2023, Mr. Preston reported as directed for further dialogue and discussion. As a part of the contact, Mr. Preston did submit to urinalysis testing, the result of which proved presumptive positive for methamphetamine and marijuana. Mr. Preston denied any intentional use of marijuana and the sample was forwarded to the lab for verification. Mr. Preston did sign a drug use admission form documenting his use of methamphetamine and alcohol as discussed and as occurring on May 28, 2023. Mr. Preston indicated he attended a barbecue over the weekend and during the event he ingested approximately 1 ½ wine coolers and subsequently methamphetamine that he learned was being "smoked" in the garage. Mr. Preston indicated he was unsure as to why he continues to use.

Re: Preston, Mark A.

June 2, 2023

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PRAYING THAT THE COURT WILL ORDER A WARRANT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: June 2, 2023

by s/Chris Heinen

Chris Heinen
U.S. Pretrial Services Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other



Signature of Judicial Officer

June 2, 2023

Date